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April 23, 2002

VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th St., S.W.
Washington, DC 20554

Re: *Ex Parte* Presentation Regarding Performance Measurements and Standards for
Interstate Special Access Services, CC Docket No. 01-321

Dear Ms. Dortch:

On April 22, 2002, Matthew Stepovich, Senior Vice President Legal Affairs for DIRECTV Broadband, Inc. ("DIRECTV Broadband"), and undersigned counsel, met with John Stanley, Uzoma Onyeije, Jonathan Kraushaar, Daniel Shiman and Cathy Zima of the Wireline Competition Bureau, and Behzad Ghaffari and Whitey Thayer of the Office of Engineering and Technology regarding the above-captioned proceeding. The purpose of the discussion was to address DIRECTV Broadband's proposal in its comments of January 22, 2002 for the establishment of federal performance metrics and standards for xDSL special access services provided by incumbent local exchange carriers. Specifically, the following points were addressed:

1. The Commission has classified the ILECs' wholesale xDSL services as interstate special access services, and performance metrics and standards should be established for such services in this proceeding.
2. The ILECs are dominant carriers in the wholesale xDSL access services market, and performance measures are needed as a check against unreasonable and discriminatory practices in ordering, provisioning, maintenance and repair of wholesale xDSL special access services.
3. The Section 208 complaint process on its own is not sufficient to ensure that the ILECs' xDSL special access services are provisioned on rates and terms that are just, reasonable and nondiscriminatory. Metrics would provide guidance as to appropriate standards of reasonableness, and would generate performance data that could be used to adjudicate complaints.

4. The Commission should adopt the metrics proposed DIRECTV Broadband, including false positives, false negatives, availability of electronic loop qualification databases, and a DSL-level disaggregation for xDSL special access services for the metrics proposed by the Joint Industry Group.

Sincerely,

Patrick J. Donovan
Paul B. Hudson
Counsel for DIRECTV Broadband, Inc.

cc: John Stanley
Uzoma Onyeije
Jonathan Kraushaar
Daniel Shiman
Cathy Zima
Behzad Ghaffari
Whitey Thayer